

NOTICE

FINES OF UP TO \$5,000 PER VIOLATION FOR EACH INSTANCE OF GASOLINE PRICE GOUGING DURING DECLARED STATE OF EMERGENCY

This notice is to advise you of Georgia's price gouging statute. When the Governor declares a state of emergency and invokes the price gouging statute, Georgia law makes it illegal for businesses to take advantage of the situation by engaging in price gouging.

Under the statute, a business **may not** sell, at retail, the goods identified in the state of emergency declaration for more than the price at which the goods were sold immediately before the declaration. The **only** exception allowed is for goods a retailer acquired **after** the declaration, and then only in an amount which accurately reflects any increase in the cost of the goods to the retailer (and/or an increase in the cost of transporting the goods into the area), plus a markup equal to the retailer's average markup percentage during the ten days immediately prior to the declaration. Price increases are **not** allowed on stock that was on hand before the emergency was declared. Proof of the reason for any price increase, together with the amount of any allowable markup, must be readily available when the Office of the Attorney General requests it.

O.C.G.A. §10-1-393.4 reads as follows:

- (a) It shall be an unlawful, unfair, and deceptive trade practice for any person, firm, or corporation doing business in any area in which a state of emergency, as such term is defined in Code Section 38-3-3, has been declared, for so long as such state of emergency exists, to sell or offer for sale at retail any goods or services identified by the Governor in the declaration of the state of emergency necessary to preserve, protect, or sustain the life, health, or safety of persons or their property at a price higher than the price at which such goods were sold or offered for sale immediately prior to the declaration of a state of emergency; provided, however, that such price may be increased only in an amount which accurately reflects an increase in cost of the goods or services to the person selling the goods or services or an increase in the cost of transporting the goods or services into the area.
- (b) Notwithstanding the provisions of subsection (a) of this Code section, a retailer may increase the price of goods or services during a state of emergency if the price charged for those goods or services is no greater than the cost to the retailer of those goods or services, plus the retailer's average markup percentage applied during the ten days immediately prior to the declaration of a state of emergency.

The Honorable Nathan Deal, Governor of the State of Georgia, declared a state of emergency in the State of Georgia at 9:00 a.m. on September 19, 2016, in response to price gouging in connection with a shortage of motor fuels.

The Office of the Attorney General has the authority to investigate allegations of illegal pricing during a state of emergency. **Violators can be fined between \$2,000 and \$5,000 per violation.**

To report violations, please visit www.consumer.ga.gov, or call 404-651-8600 in the Metro area. If you are outside the Metro area, please call 1-800-869-1123.